

KENNETH PATTON,  
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 Plaintiff,  
 )  
 Vs. ) **ORDER**  
 )  
 THOMAS LANCASTER, et al., )  
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 )  
 Defendants. )

On July 5, 2005, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983. On July 28, 2005, this Court dismissed two of the defendants from the case and ordered service on the remaining four defendants. Three of the Defendants have been served. Defendant Downing's Process Receipt and Return was not served and was returned with a notation that he is currently on active duty in the military. Pursuant to the Service Members Civil Relief Act a stay may be ordered by a court for the period of a defendant's military service and ninety days thereafter. 50 U.S.C. § 525(a). Consequently, pursuant to this Court's authority under § 525(a), this Court will stay this action with regard to Defendant Downing. The case will proceed against the remaining three Defendants. 50 U.S.C. § 525(b)

1. This action is stayed with regard to Defendant Downing; and
2. Counsel for Defendant Downing shall inform the Court when Defendant Downing's military service has been completed.

**Signed: September 13, 2005**

A handwritten signature in cursive script, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

